

ARTICLE 4: REGULATIONS APPLICABLE TO SPECIFIC LAND USES**Sec. 102-401: Agricultural Land Uses**

- A. Crop and tree farming. Farming of crops and related agricultural activities shall be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres in size.
- B. Dairy, cattle, and other animal farming subject to the following:
 - (1) The keeping or raising of domestic livestock shall be permitted as part of a principal agricultural use of the premises on farms of at least 35 acres in area on the basis of not more than one (1) animal unit per acre and subject to the provisions outlined in Chapter 14: Animals.
 - (2) The keeping or raising of hogs, fur bearing animals, or goats shall not be permitted in the City limits.

Sec. 102-402: Artist Live/Work Space

Artist live/work space shall conform to the standards applicable to home occupations, except that the floor area devoted to non-residential activity shall not be limited.

Sec. 102-403: Drive-Thru and Car Wash Facilities

- A. Design. Drive-Thru Facilities and Car Wash establishments shall be designed so that:
 - (1) Queuing shall not obstruct ingress/egress to the site, access to required parking or loading spaces, or otherwise interfere with vehicle circulation on the site.
 - (2) Vehicle queuing and equipment associated with the Drive-Thru or Car Wash shall be concealed from view from public streets and surrounding property to the greatest extent possible by their orientation, design or by screening. This will often involve orienting the Drive-Thru or Car Wash to the side or rear of the building, away from the public street.
 - (3) On a lot in a business district, establishments shall be limited to a maximum of two (2) Drive-Thru lanes.
- B. Required Queuing Length
 - (1) The number of required queuing spaces shall be in accordance with Section 102-227: Off-Street Parking Standards.
 - (2) The minimum dimension of queuing spaces shall be nine (9) feet in width and twenty (20) feet in length.
 - (3) For a Car Wash, queuing spaces shall begin behind the last vehicle being washed. For all other Drive-Thru uses, queuing spaces shall include the vehicle stopped at a last point of service, such as a window.
- C. Maintenance. The operator of the Drive-Thru facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.

Sec. 102-404: Commercial Kennels and Pet Day-Care Facilities

All commercial kennels and pet day-care facilities (hereafter "commercial kennels") shall be designed, operated, and maintained according to the following standards:

- A. General.
 - (1) All commercial kennels shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.

- (2) The commercial kennels shall be permitted by Special Use as outlined by Section 102-919 as specified in the Matrix of Land Uses in Section 102-317.
- (3) All animals shall be kept either within completely enclosed structures or under direct control of the kennel operator or staff between the hours of 7:00 PM and 7:00 AM
- B. Permit required. No person shall operate a commercial kennel without first obtaining a land use permit in compliance with this chapter and the zoning code. No person shall operate a commercial kennel in any neighborhood zoned for residential use. Permits shall be obtained prior to opening any facility covered in this chapter. No such permit, however, shall be required for legally established commercial enterprise which operates exclusively as a veterinary hospital or clinic, pet shop or grooming parlor.
- C. Operating Standards.
 - (1) The licensee, its agents, and employees shall operate and maintain the kennel in accordance with standards set out in Title 9, Chapter 1, Subchapter A, Part 3, Section 3.100 through 3.106 of the United States Department of Agriculture, Animal and Plant Health Inspection Service.
 - (2) Commercial kennel floors and walls shall be constructed of impervious materials and all structures, areas, and appurtenances shall be designed to facilitate thorough and convenient cleaning. Commercial kennels shall be adequately ventilated and all doors, windows, and other openings to the outside shall be screened, May through October. The commercial kennels shall be provided with adequate and potable water supplies and shall be equipped with sewer facilities.
- D. Outdoor operations.
 - (1) Outdoor runs and exercise areas shall be a minimum of fifty (50) feet from any residential zoning district.
 - (2) Fencing. Privacy fencing is required for outdoor runs and exercise areas, and shall be provided in accordance with Section 102-211. Additionally:
 - (a) Fencing shall have an opaqueness of at least 50-percent.
 - (b) Chain-link type fencing with slatting shall not be considered sufficient privacy screening. Landscape screening shall be required when chain-link type fencing is used.

Sec. 102-405: Outdoor Uses

- A. General.
 - (1) All business, sales, service, storage and display of goods, manufacturing, and repairs shall be conducted wholly within enclosed buildings, except where a permanent or temporary outdoor use is specifically allowed by this Chapter.
 - (2) All outdoor uses shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.
- B. Sidewalk Cafes.
 - (1) Purpose. These standards and procedures are adopted to encourage appropriate outdoor activities on public sidewalks in the central business district; to ensure that the space used for outdoor dining on public sidewalks will serve a public purpose; to establish a procedure to obtain permission to operate an outdoor dining facility; and, to ensure adequate space for pedestrians to traverse the sidewalk adjacent to outdoor dining facilities.
 - (2) General Provisions.
 - (a) Permit required. Outdoor dining on a public sidewalk shall be allowed only in the central business district, and only pursuant to the issuance of a sidewalk cafe license.
 - (b) Permitted locations. Outdoor dining may be permitted on the public sidewalk immediately adjacent to the building of the licensee, or immediately adjacent to the street curb fronting the

building of the licensee at the discretion of the licensee and the approval of the director of community services. An unobstructed continuous pedestrian pathway measuring no less than **five (5) feet** in width shall be provided between the street curb and the dining area or, in the alternative, between the dining area and the licensee's building.

- (c) The licensee shall provide trash receptacles with covers for the deposit of waste paper and trash to prevent the littering of the public sidewalks and streets.
- (d) Licensees shall not drill any holes in the public sidewalk nor affix any railing, fixture, partition or furniture to the public sidewalk, nor to any adjacent city railings or planters.
- (e) All chairs, railings, partitions, trash receptacles, umbrellas, portable heaters and other equipment (except for tables) will be removed from the public sidewalk when the licensee is not open for business.
- (f) No signs or other forms of advertising other than permitted by Article VII of this Chapter are permitted.
- (g) Lighting shall be restricted to illuminate the outdoor dining area only and will be positioned so that it will not interfere with vision of pedestrians, motorists or other neighboring businesses. Lighting fixtures shall compliment the established streetscape design and shall be approved by the Director of Community Services.

Commented [DW1]: The minimum width for an ADA-compliant sidewalk is 60 inches (5 feet). If sidewalks are less than this, passing spaces must be constructed at set intervals. These passing spaces must measure at least 60 inches on all sides, and must be located at least every 200 feet.

C. Outdoor Entertainment. Outdoor entertainment shall be permitted only as an accessory use to a restaurant, tavern, or brewery by zoning permit outlined in Section 102-910. The City shall determine the hours of operation music may be performed outdoors. Outdoor entertainment for a special event shall comply with the temporary use regulations outlined in Section 102-329.

D. Outdoor Sales. This Section regulates Outdoor Sales areas that are used for longer periods of time than Temporary Outdoor Sales areas permitted in Section 102-329, whether permanent or seasonal. These Outdoor Sales areas are permitted only if allowed by the regulations of the zoning district in which the lot is located, and shall conform to the following requirements:

- (1) Approval. Outdoor sales shall be permitted by special use in accordance with Section 102-xxx.
- (2) Location. Outdoor sales shall not be conducted within 50 ft. of any residential zoning district unless screened from view. Outdoor sales shall be conducted only within the designated area.
- (3) Screening. Screening shall consist of an opaque barrier of landscaping, walls, fencing, berms or other methods sufficient in density and height to mitigate sight lines and noise as much as practicable from the lot line of any lot in a residential zoning district, and from the street.
- (4) Maintenance. Outdoor sales areas and the surrounding premises shall be maintained in an orderly manner, free of litter and other refuse. Storage of goods for sale shall be no more than five (5) feet in height. Outdoor Sales shall not obstruct required access to buildings or parking spaces on the site, or to adjoining property.
- (5) Additional Provisions. See Section 102-329 for additional provisions applicable to Temporary Outdoor Sales.

E. Outdoor Storage.

- (1) Approval. Outdoor storage shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924. Outdoor storage for all commercial and industrial land uses shall be permitted by special use in accordance with Section 102-919.
- (2) Location. Outdoor storage shall not be permitted in a required yard.
- (3) Visibility. Outdoor storage shall not be visible from any:
 - (a) Public street or freeway;
 - (b) Existing or planned residential area;

- (c) Publicly accessible open space area, parking area, access driveway, or other similar thoroughfare;
- (d) Publicly accessible space of any public, quasi-public, commercial or industrial use; or
- (e) Undeveloped property where public access to areas adjoining the outdoor storage use is likely.
- (4) Screening. The following minimum screening requirements shall apply to outdoor storage adjacent to or potentially visible from public streets and publicly accessible areas identified in (2) of this section:
 - (a) A solid masonry wall or opaque fence not more than eight (8) feet high. Screening walls and fences shall be architecturally compatible with the principal structure.
 - (b) No storage may exceed the height of the screening wall or fence.
 - (c) Screening landscaping in the street frontage yard, located in front of the wall or fence, to soften the view shall be required.
 - (d) No screening wall or fence shall be located within a required yard.
- (5) Surfacing. Outdoor storage areas shall be located on a concrete or bituminous surface draining to an approved stormwater management system. Outdoor storage areas may be surfaced with partially permeable materials with Plan Commission approval.

Sec. 102-406: Merchandise Displays

Merchandise displays may be permitted on sidewalks within the Downtown District, provided said merchandise displays are in compliance with the design standards set forth in the Downtown Design Guidelines and with the following:

- A. No person shall obstruct or impede the pedestrian right-of-way of any paved public sidewalk with any merchandise or personal property, except as provided herein. A sidewalk merchandise display shall be located adjoining the building from which it is marketed. Each display shall not encroach more than two and one-half (2 ½) feet from the building façade, and in all cases, the unobstructed sidewalk area must be at least ~~six~~ **five (65)** feet in width and comply with Americans with Disability Act (ADA) requirements, as from time to time amended.
- B. Displayed merchandise shall be consistent to that sold within the business. Displayed merchandise shall be maintained in good condition and shall be removed each day at the close of business.
- C. The property and business owners are jointly and severally liable for any and all injury to any person or property directly and/or indirectly caused by their joint or several negligence and/or activities occurring on the paved sidewalk under this ordinance.

Sec. 102-407: Dumpsters and PODS (Personal On-Demand Storage)

The following regulations shall apply for the **temporary** placement of a dumpster or storage unit in all **zoning districts, not including special events as approved by the City:**

A. Location

- (1) Private Property.
 - (a) A dumpster or storage unit shall be located on private property, unless a permit is received for placement in the public right-of-way.
 - (b) A dumpster or storage unit shall not be located in a required yard unless placed on a hard surface.
- (2) Public property or right-of-way.
 - (a) A permit shall be required for the placement of a dumpster or storage unit.

Commented [DW2]: Amanda to provide Rock Falls ordinance to Commissioners for review.

- (i) No permit shall be issued to any person to use the right-of-way where the Building Inspector determines that the placing of the dumpster or storage unit will unreasonably interfere with the public health, safety or welfare.
 - (ii) Permits may be denied where there is enough room for the dumpster or storage unit upon the premises or private property served.
 - (b) A dumpster or storage unit must be at least 25 feet from a fire hydrant.
 - (c) All public ways and public grounds must be left in as good and clean a condition as they were prior to the placement of the unit. Costs for damages, cleaning, or maintenance will be billed to the applicant.
 - (d) Insurance Required. A certificate of insurance indicating that the applicant holds comprehensive general liability insurance in the amount of \$500,000 for each individual, \$1,000,000 for each occurrence and \$500,000 for property damage shall be provided. The City must be listed as an additional insured.
 - (e) A dumpster or storage unit may not be placed until the permit application is complete and approved.
- B. Length of Time. The placement of a dumpster or storage unit shall not exceed twenty-one (21) calendar days from the date of permit issuance.
- C. Violations. The Building Inspector may issue municipal citations for violations of any of the provisions of this section. The City reserves the right to remove a dumpster or storage unit if the regulations of this section are not met.

Commented [DW3]: Liability/insurance issue to be reviewed further.

Sec. 102-408: Reserved

Sec. 102-409: Reserved

Sec. 102-410: Reserved

Sec. 102-411: Community Residences

- A. Purpose. The City is fully committed to ensuring that adequate provisions are being made to accommodate community residences, shared housing, and assisted living facilities in areas zoned primarily for residential use and to comply with the Federal Fair Housing Act of 1988. This Section outlines the minimum standards, rules and regulations consistent with the philosophy and purpose of the Illinois Statutes and to established spacing requirements to foster the integration of such facilities into neighborhoods in the City of Sterling. It is necessary to protect the health, safety and welfare of the residents of the community residential homes by requiring compliance with all applicable State statutes, regulations and licensing requirements as well as all building, fire and safety ordinances and zoning regulations of the City.
- B. Applicability. This Section shall apply to all existing and proposed community residences, shared housing, and assisted living facilities in the City of Sterling.
- C. Licensing and Permitting.
- (1) Licenses. All community residences, shared housing, and assisted living facilities shall be licensed in accordance with the applicable sections of the following:
 - (a) 210 ILCS 4, the Alzheimer's Disease and Related Dementias Special Care Disclosure Act as amended.
 - (b) 210 ILCS 9, the Assisted Living and Shared Housing Act as amended.
 - (c) 210 ILCS 35, the Community Living Facilities Licensing Act as amended.
 - (d) 210 ILCS 49, the Specialized Mental Health Rehabilitation Act of 2013 as amended.

- (e) 210 ILCS 135, Community-Integrated Living Arrangements Licensure and Certification Act as amended.
- (f) Title 77, Part 295 of the Illinois Department of Public Health Administrative Code as amended.
- (2) Permit. Prior to occupancy, the owner or operator shall demonstrate that the facility complies with all applicable code standards in (1) above and Chapter 18, Buildings and Building Regulation of the Municipal Code.
- D. Use District Table. Community residences, shared housing, and assisted living facilities shall be allowed in zoning districts as outlined in Section 102-317: Matrix of Land Uses.
- E. Standards.
 - (1) Lot size requirements. All community residences, shared housing, and assisted living facilities shall be located on a parcel that provides a minimum of 1,500 square feet of land area per resident housed in the facility.
 - (2) Setbacks. The required setbacks for all community residences, shared housing, and assisted living facilities shall be as follows:
 - (a) Shared housing (Less than 8 persons). Meet the minimum setback requirements for a single-family residence in the zoning district of the property.
 - (b) Shared housing (9 – 16 persons). Meet the minimum setback requirements for a single-family residence in the zoning district of the property.
 - (c) Assisted living (17 or more persons). Meet the minimum setback requirements for a multi-family residence in the zoning district of the property.
 - (3) Facility requirements.
 - (a) Building floor area. The facility shall have a total floor area of not less than one thousand-five hundred (1,500) square feet, measured from the outside walls, including utility rooms, but excluding all other areas not used for living or sleeping purposes
 - (b) Bedrooms. Each bedroom shall provide a minimum floor area of seventy (70) square feet of floor area, excluding closets, per resident occupying the room.
 - (4) Spacing and density requirements. In order to avoid a saturation/concentration effect in the siting of community residences, shared housing, or assisted living facilities, spacing requirements outlined in the following Table have been established to regulate the siting and operation of such facilities in the City.

Facility Type	Minimum Spacing Requirements from an existing or proposed facility:		
	<i>Shared housing (less than 8 persons)</i>	<i>Shared housing (9 – 16 persons)</i>	<i>Assisted living (17 or more persons)</i>
Shared housing (Less than 8 persons)	800-feet	800-feet	1,200-feet
Shared housing (9 – 16 persons)	1,200-feet	1,200-feet	1,200-feet
Assisted living (17 or more persons)	1,200-feet	1,200-feet	1,200-feet

- (5) Greenspace Requirements. A minimum of 35-percent of the total lot area must remain as greenspace or permeable surface. All rooftops, building footprints, parking areas, driveways, sidewalks, and patios shall be considered impervious cover.

- (6) Parking Requirements. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards

F. Application requirements. A facilities shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued. In addition, the following information shall be provided:

- (1) Written Description. A narrative which outlines the following:
 - (a) Typical daily operations of the facilities.
 - (b) Name, address, and telephone number of the organization or other entity that will operate the proposed community residence.
 - (c) Location of all facilities the petitioner have operated or are currently operating.
 - (d) Projected number of residents and employees.
 - (e) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings,
 - (f) Traffic generation;
 - (g) Operational considerations relating to potential nuisance creation pertaining to the appropriate design of street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;
 - (h) Material Safety Data Sheets (MSDS) for all materials anticipated to be used or stored on site;
 - (i) Calculations for determining the number of off-street parking spaces as required by the Section 10-2-35 of this Title.
 - (j) Possible future expansion and related implications for (a) – (g) above, and:
 - (k) Any other information pertinent to adequate understanding by the Plan Commission or City Staff of the intended use and its relation to nearby properties.
- (2) Facilities Map. The petitioner shall provide a map illustrating the location of all existing community residences, shared housing, and assisted living facilities located within 2,500 feet, measured in any direction, of the lot on which the proposed facility will be located or altered.
- (3) Site Plan. Illustrating, where applicable:
 - (a) Lot area and current zoning of the site;
 - (b) All existing and proposed lot lines, labeling dimensions, required minimum setbacks for buildings and other structures;
 - (c) Wetlands, shoreland zoning areas, floodplains and/or other environmental features;
 - (d) Existing and proposed buildings, indicating gross floor area.
 - (e) Floor plans for the proposed facilities, to scale.
 - (f) Other structures, such as accessory structures, fences, trash enclosures, etc.;
 - (g) Parking lots, vehicle and pedestrian circulation and driveway areas, loading areas, and proposed ingress and egress to the site;
 - (h) Outdoor storage areas, dumpsters, and proposed screening;
 - (i) Adjacent streets and land uses, including all buildings within 50-feet of the site's boundaries.
- (4) Structure Elevations. The petitioner shall provide elevation plans for structures proposed on the site, including but not limited to the principal building, accessory buildings, trash enclosure, and fencing. The elevations shall illustrate the proposed building materials, fencing materials, and colors.

- (5) Sign Plan. All proposed exterior signage shall comply with Article VI: Signs of this Chapter.
- (6) Exterior Lighting Plan. Petitioners shall submit a unified lighting plan in accordance with Section 102-606 of this Chapter.
- (7) Landscape Plan. A landscape and buffer plan complying with the standards set forth in Section 102-520 shall be required for all community residences, shared housing, and assisted living facilities.
- (8) Grading, Stormwater, and Erosion Control Plans. As required to meet all applicable City, County, and state requirements outlined in Chapter 80 of the Municipal Code.

Sec. 102-412: Bed and Breakfast Establishment

A structure designed and occupied as a bed and breakfast residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients shall conform to the following regulations:

- A. General. The establishment and operation shall be located within an existing owner-occupied single-family dwelling. The single-family residence in which the operation is located shall be maintained so that the appearance of the building and grounds remain that of a single-family residence.
- B. Guest rooms and guests. The establishment shall have no more than eight (8) guests rooms lodging at the establishment at any one time for rent to no more than 20 tourists or transients.
- C. Owner residence. The owner of the property shall be responsible for the operation of the property and shall be a resident of the property when the establishment is in operation.
- D. Meals and cooking. The establishment shall provide ~~no-meals other than breakfast, and breakfast shall only be provided~~ to renters of the place. No cooking facilities, including, but not limited to, stoves, microwave ovens, toaster ovens, and hot plates, shall be available to guests. The establishment shall comply with the Illinois Statutes for Environmental Health.
- E. Exterior lighting. Exterior lighting shall comply with the standards outlined in Section 102-606.
- F. Parking. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards.

Sec. 102-413: Guest House

Commented [DW4]: Add definition.

- A. Approval. Guest homes shall be permitted by special use in accordance with Section 102-919.
- B. Lot Size. A minimum size lot of 15,000 square feet shall be required.
- C. Renting. Guest houses shall not be rented or leased.
- D. Floor Area. Guest houses shall have a minimum floor area of 900 square feet, and comply with the bulk regulations as outlined in Section 102-321 for the zoning district in which it is located.

Sec. 102-414: In-Family Suite

- A. The dwelling unit and the in-family suite shall together appear as a single-family dwelling, and the suite must have an internal connection to the primary residence. External stairs serving as the primary access to the in-family suite are prohibited.
- B. In-Family Suite may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios and decks.
- C. A separate outdoor access or separate access to the garage may be provided.
- D. A separate address and utility connection or meters for the in-family suite are not permitted.
- E. The in-family suites may not be occupied by a non-family member.

- F. In-family suites should be considered and regulated as part of a single-family dwelling unit.

Sec. 102-415: Duplex or Townhomes Requirements

A duplex or townhome consists of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on the same lot, and the units may not be split into additional residences.

- A. Lot Area. Lots containing duplexes or townhomes shall have a minimum area of 10,000 square feet.
- B. Lot width. Lots containing duplexes or townhomes shall have a minimum width of 80-feet.
- C. Bulk Requirements. Duplexes or townhomes shall comply with the bulk regulations as outlined in Section 102-321 for the zoning district in which it is located.

Sec. 102-416: Twin Home (Zero Lot Line) Requirements

The twin home, also called a zero lot line home, consists of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on separate lots.

- A. Number of Units. Twin Homes shall be built with one unit per subdivided lot, and with no more than two (2) units per building, with each dwelling unit being attached to the adjacent unit.
- B. Platting Requirements. A plat shall illustrate the proposed lot line, the location of the dwellings, required setbacks, easements, and the location of the sanitary sewer and water laterals servicing each side of the duplex the dwellings shall be provided to the city for review and approval prior to recording with the county register of deeds, prior to the issuance of any required building, plumbing, occupancy or other permit.
- C. All City of Sterling building and fire codes are applicable to Twin Homes, as well as a minimum one-hour fire separation, complying with the International Building Code, and which provides for a vertical separation of all adjacent areas of each dwelling unit from the lowest level flush against the underside of the roof. Each twin home unit shall have separate sewer and water laterals and shall have separate utility services for all other utility hook-ups.
- D. The Zoning Administrator may require restrictive covenants be recorded against the property as a condition to any certified survey map or subdivision plat approval or special use, occupancy, building or plumbing permit issuance. The recorded restrictive covenants shall be filed with the Zoning Administrator prior to the issuance of any permit for zero lot line dwellings.
- E. Maintenance and drainage easements. A perpetual easement related to maintenance, eaves, and drainage of at least five feet shall be provided on the lot adjacent to the zero lot line property line which, with the exception of fences, shall be kept clear of structures. These easements shall be shown on the face of the certified survey map and incorporated into each deed transferring title on the property. The building wall along the zero lot line shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners.
- F. Covenants and maintenance agreements. The proposed covenants and maintenance agreements shall be provided to the city for review and approval prior to recording with the county register of deeds.
- G. Miscellaneous documentation. Letter from licensed plumber indicating that each unit is served by separate sanitary sewer and water laterals.

Sec. 102-417: Multiple-Family Residences

All multiple-family residential development shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 and the design guidelines outlined in Section 102-510 of this Chapter before the zoning, occupancy, and building permits can be issued.

Sec. 102-418: Townhouses Brownstones or Rowhouses

~~Townhouses Brownstone~~ or rowhouses are attached, two-story, single-family residences, each having a private, individual access. They may be located on their own lots or within a group or large development and may not be split into additional residences.

Commented [DW5]: Move definition to Article I: Definitions.

- A. All ~~townhouse brownstone~~ or rowhouse residential developments shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.
- B. No more than six (6) units shall be attached per structure.

Sec. 102-419: Mobile/Manufactured Home Parks

- A. Mobile/manufactured home park developments shall comply with the regulations outlined in Chapter 58 Article II of the Municipal Code.
- B. Mobile/manufactured home park developments shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued.

Sec. 102-420: Boarding Houses

- A. Each boarding house shall be a single structure containing assigned rooms for residents.
- B. The minimum lot size shall be 900 square feet per boarding room, and the lot shall have a minimum 66-foot width.
- C. No more than one boarding house per individual tract, parcel, or platted lot is allowed.
- D. Each boarding room shall be a minimum of 200 square feet in area, and no more than two (2) occupants per sleeping room are allowed.
- E. Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances. Entry access to all boarding rooms shall be through the interior of the building. No exit doors from individual boarding rooms shall lead directly to the exterior of the building.
- F. No cooking is permitted in any sleeping room. No cooking facilities are permitted in any sleeping room. Residents must have access on site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on site must be available to the residents, or daily meals must be provided on site for the residents of the boarding house.
- G. Each floor must contain at least one fully-equipped bathroom for each five residents that is accessible from a common hallway.
- H. Each boarding house shall have a resident manager.
- I. All residents must execute a lease before occupancy. Rooms must be leased to the same resident for at least seven (7) consecutive calendar days.

Sec. 102-421: Automobile or Motor Vehicle Repair in Residential Districts

The repair of an automobile or a motor vehicle in any residential zoning district is subject to the following restrictions:

- A. Minor repairs and maintenance. Minor repairs and maintenance may be done on vehicles owned by the occupant of the structure. Such repairs may include, but are not limited to, the changing and

replenishment of fluid levels, oil changes, electrical system repair and maintenance, tire rotations, the replacement of brake pads and rotors, and the replacement of drive belts and hydraulic lines.

- B. Other repairs. Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces that are properly ventilated or accomplished on privately registered vehicles lawfully licensed.

Sec. 102-422: Reserved

Sec. 102-423: Reserved

Sec. 102-424: Reserved

Sec. 102-425: Reserved

Sec. 102-426: Reserved

Sec. 102-427: Gas stations, Convenience Stores (including automotive repair facilities and gas stations with automotive repair facilities), and Motor Sales Facilities (including automobile sales with automotive repair facilities)

Gas stations, convenience stores, gas stations with automotive repair facilities, and automotive repair facilities, motor sales facilities, including automobile sales with automotive repair facilities shall meet the following requirements:

- A. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.
- B. Direct access to arterial streets required. All gas stations shall have direct access to an arterial street which is a federal, State, or county designated highway **or accompanying frontage road**, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.
- C. Architectural design. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block, or stone. Additionally, all convenience stores abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures.
- D. Fuel pump location. Any fuel pumps and pump islands shall be at least forty (40) feet from any street or abutting lot line and meet all other State of Illinois regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.
- E. Canopies. The canopies provided over the pump islands of gas pumps shall meet the yard requirements of a principal structure. In addition:
- (1) Obstruction of visibility at rights-of-way prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.
 - (2) Zoning district front yard requirements shall be met. All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
 - (3) Canopies to be counted toward maximum permitted FAR. All canopies shall be counted toward the maximum permitted floor area ratio (FAR) of the nonresidential zoning district in which the canopy is to be constructed.
 - (4) Maximum height. Under no circumstances shall the underside of the canopy (as measured at the bottom of its exterior fascia) be higher than sixteen (16) feet.
 - (5) Canopy roofs. Canopy roofs shall be architecturally compatible with the main building. Signs or distinctive emblems, and color banding may be considered for the canopy.
- F. Repair services. All repair services shall be done within a completely enclosed building and shall meet the following requirements:

- (1) No more than the required off-street parking set forth under the provisions of Section 102-227 of this Chapter shall be allowed.
 - (2) All overnight storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard. Said screening shall consist of a masonry wall of a minimum height of six (6) feet.
 - (3) All damaged or inoperable parts shall be stored indoors until removed from the premises.
 - (4) An automotive repair facility shall store all vehicle parts within a completely enclosed building.
 - (5) The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Special Use Permit.
- G. Outdoor storage and display of merchandise. The outdoor storage or display of merchandise shall be permitted by Special Use as outlined in Section 102-919 of this Chapter and in accordance with Section 102-405. Outdoor storage and display of merchandise shall include, but not be limited to, ice storage or vending boxes, vending machines, and/or propane tanks and or other flammable materials.
- H. Concrete curb and gutter required. Concrete curb and gutter shall be required throughout all off-street parking, drive, and loading areas of the development.
- I. Hours of operation. Hours of operation shall be established by the Plan Commission.
- J. Financial institution uses as an accessory use. Financial institution uses may be permitted as an accessory use if said use does not occupy more than twenty-five (25) percent of the floor area of the principal structure and is housed completely within the principal structure. The Plan Commission may impose hours of operation for the financial institution different from the hours of operation of the principal use.
- K. Prohibited signs. The following signs are hereby prohibited:
- (1) Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all decorative flags, pennants, whirling objects, banners, or other entity(s) attached to strings or lines.
 - (2) Inflatable advertising devices or signs.
 - (3) Changeable copy and portable trailer signs, either fixed or moveable except gas prices consistent with State and/or federal regulations and practice of the industry.
 - (4) Banners or placards which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event (except as may be permitted by Article VII: Signage).
 - (5) A sign on a motor vehicle or trailer parked on public or private property so as to be seen from the public right-of-way for more than three (3) consecutive hours, which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.
 - (6) Exposed neon or similarly appearing signage.
 - (7) Other requirements. Any other requirements and/or conditions deemed appropriate by the Plan Commission and/or City Council.

Sec. 102-428: Mini-Warehouses

Mini-warehouse facilities shall meet the following requirements:

- A. Direct access to arterial streets required. All mini-warehouses shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.

- B. Limitations on use of facilities. Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.
- C. Services and sales activities prohibited. No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.
- D. Practice rooms, meeting rooms, and residences prohibited. Facilities shall not be used for practice rooms, meeting rooms, or residences.
- E. Outdoor storage. No outdoor storage shall be permitted.
- F. Storage of explosive or highly flammable material. Storage of explosive or highly flammable material shall be prohibited.

Sec. 102-429: Outdoor Nursery and Garden Sales

Outdoor nursery and garden sales either as a principal use or accessory use shall meet the following requirements:

- A. Outdoor sales of merchandise to be accessory to enclosed building. There shall be an enclosed building with outdoor sales of merchandise accessory to said building.
- B. No outdoor display permitted not accessory to enclosed building. No outdoor display shall be permitted which is not accessory to an enclosed building or which has not been approved by the City.

Sec. 102-430: Outdoor Recreation Facilities

Outdoor recreational uses include all recreational land uses located on public property (including school district property) which involves active recreational activities. Such land uses include courts (tennis, basketball, volleyball), fields (ball diamonds, football, soccer), tot lots, playgrounds, swimming pools, beach areas, fitness courses, golf courses, and similar land uses.

- A. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.
- B. Lighting facilities and structures shall be approved by Special Use in accordance with Section 102-919, and in accordance with Section 102-606: Exterior Lighting Standards of this Chapter.

Sec. 102-431: Reserved

Sec. 102-432: Reserved

Sec. 102-433: Reserved

Sec. 102-434: Reserved

Sec. 102-435: Medical Cannabis Cultivation Centers and Dispensaries

- A. Purpose. ~~The City of Sterling supports the~~ Illinois Compassionate Use of Medical Cannabis Pilot Program Act ~~which~~ recognizes the therapeutic value of cannabis in treating a wide array of debilitating medical conditions. The purpose of this Section is to specify the minimum standards, rules and regulations consistent with the philosophy and purpose of the Illinois Statutes to regulate medical cannabis cultivation centers and dispensaries in order to promote the health, safety, and general welfare of the residents of the City of Sterling, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such uses and operations within the City of Sterling. It is neither the intent nor effect of this Section to restrict or deny access by cardholders to medical cannabis cultivation centers and dispensaries by the Illinois Compassionate Use of Medical Cannabis Pilot Program Act.

- B. Applicability. This Section shall apply to all existing and proposed medical cannabis cultivation centers and dispensaries in the City of Sterling.
- C. Licensing. All medical cannabis cultivation centers and dispensaries shall be licensed in accordance with the applicable sections of the 410 ILCS 130, Compassionate Use of Medical Cannabis Pilot Program Act, as enacted and amended.
- D. Permit. Prior to occupancy, the owner or operator shall demonstrate that the facility complies with all applicable code standards in (F) and (G), and Chapter 18, Buildings and Building Regulation of the Municipal Code.
- E. Location of Medical Cannabis Cultivation Centers and Dispensaries.
- (1) Zoning Districts. Medical cannabis cultivation centers and dispensaries shall be allowed in zoning districts as outlined in Section 102-317: Matrix of Land Uses.
- (2) Distance Requirements
- (a) Medical cannabis dispensaries shall be located at least 1,000 feet from the property line of any:
- (i) Pre-existing public or private preschool or elementary or secondary school.
- (ii) Day care center, day care home, group day care home, part day child care facility, or youth facility.
- (iii) Playground lot line, or public park.
- (iv) Place of religious worship, public or private school, or youth facility.
- (v) Other medical cannabis dispensaries.
- (b) A registered cultivation center may not be located within 2,500 feet of the property line of any:
- (i) Pre-existing public or private preschool or elementary or secondary school.
- (ii) Day care center, day care home, group day care home, part day child care facility, or youth facility.
- (iii) Playground lot line, or public park.
- (iv) Place of religious worship, public or private school, or youth facility.
- (3) Distance measurements
- (a) Distance requirements are to be measured in a straight line in any direction, regardless of intervening structures, from the structure housing the medical cannabis cultivation center or dispensary to the lot line of any lot used for a park, playground, or the lot line of any structure listed in Subsection (1) above.
- (b) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
- (c) For medical cannabis cultivation centers and dispensaries located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the medical cannabis cultivation center or dispensary.
- (d) For any medical cannabis cultivation center or dispensary located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the medical cannabis cultivation center or dispensary.
- F. Standards for Approval of Medical Cannabis Cultivation Centers and Dispensaries
- (1) Application requirements. A facilities shall comply with the provisions for Building, Site, and Operation Plans outlined in Section 102-924 of this Chapter before the zoning, occupancy, and building permits can be issued. In addition, the following information shall be provided:

- (2) Facility requirements. All facilities for medical cannabis cultivation centers and/or dispensaries shall comply with the applicable sections of the 410 ILCS 130, Compassionate Use of Medical Cannabis Pilot Program Act, as enacted and amended.
- (3) Bulk Regulations. All facilities shall comply with the bulk regulations as outlined in Section 102-321 for the zoning district in which it is located
- (4) Parking Requirements. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards.
- (5) Structure Elevations. The petitioner shall provide elevation plans for structures proposed on the site, including but not limited to the principal building, accessory buildings, trash enclosure, and fencing. The elevations shall illustrate the proposed building materials, fencing materials, and colors.
- (6) Signage. All proposed exterior signage shall comply with Article VI: Signs of this Chapter.
- (7) Exterior Lighting. Petitioners shall submit a unified lighting plan in accordance with Section 102-606 of this Chapter.
- (8) Landscape. A landscape and buffer plan complying with the standards set forth in Section 102-520 shall be required for all community residences, shared housing, and assisted living facilities.
- (9) Grading, Stormwater, and Erosion Control. As required to meet all applicable City, County, and state requirements outlined in Chapter 80 of the Municipal Code.

Sec. 102-436: First Amendment Protected Adult-Oriented Establishments

- A. Purpose: It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the residents of the City of Sterling, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City of Sterling. The provisions of this Section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- B. Findings of Fact:
 - (1) The City council finds that Adult-Oriented Establishments, as defined and otherwise regulated by the City in the Municipal Code, require special zoning in order to protect and preserve the health, safety, and general welfare of the City.
 - (2) Based its review of studies conducted in Phoenix AZ, Garden Grove CA, Los Angeles CA, Whittier CA, Indianapolis IN, Minneapolis MN, St. Paul MN, Cleveland OH, Oklahoma City OK, Amarillo TX, Austin TX, Beaumont TX, Dallas TX, Houston TX, Newport News VA, Bellevue WA, Seattle WA, New York NY, St. Croix County WI, and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); *East of the River Enterprises II v. City of Hudson*; 2000 Wisc. App. Lexis 734 (Ct. App. Aug. 1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702, 2003 WL 132541 (7th Cir. 2003), the City Council finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.

- (3) The City Council intends to control the impact of these secondary effects in order to protect the health, safety, and general welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
- (4) It is not the intent of the City Council to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.
- (5) In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the City, it is the intent of the City Council to prevent the location of Adult-Oriented Establishments within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.
- (6) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the City Council finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.

C. Location of First Amendment Protected Adult-Oriented Establishments.

- (1) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments are entitled to certain protections, including the opportunity to locate in the City. Therefore, if an Adult-Oriented Establishment License has been granted by the City, and if all the requirements of this section have been met, an Adult-Oriented Establishment shall be a permitted use as a Special Use in the HM District and shall be a prohibited use in any other zoning district.
- (2) Distance Requirements:
 - (a) Adult-Oriented Establishments shall be located at least 1,000 feet from any:
 - (i) Playground lot line, or public park lot line.
 - (ii) Place of religious worship, public or private school, or youth facility.
 - (iii) Structure housing an establishment which holds an alcohol beverage license.
 - (b) Adult-Oriented Establishments shall be located at least 500 feet from any:
 - (i) Structure used as a residence.
 - (ii) Residential zoning district boundary.
- (3) Distance measurements:
 - (a) Distance requirements are to be measured in a straight line in any direction, regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure listed in Subsection (2) above.
 - (b) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
 - (c) For Adult-Oriented Establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
 - (d) For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).

- (4) A licensed Adult-Oriented Establishment is not disqualified from holding an Adult-Oriented Establishment License by the location subsequent to the grant or renewal of its license of any of the establishments described in (b) above, within 1,000 feet of the licensed premises.

Sec. 102-437: Convenient Cash Businesses and Similar Establishments

Commented [DW6]: Add definition.

The purpose of this section is to provide for the regulation of convenient cash and other similar establishments. It is recognized that convenient cash businesses have the potential to be harmful to the public welfare, both in regards to the community harmony and with respect to potential effects on the quality, aesthetics and functional aspects of the community. The purpose of regulating convenient cash services is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of convenient cash services that may result in the displacement of other necessary commercial and financial services.

Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances. Additionally, it has been found that through their business practices, convenient cash businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area or strung out along an arterial street, such concentration creates an unwarranted negative impression regarding the economic vitality of a commercial district and the community at large. Based on their proliferation, their susceptibility to crime, and the negative effects of their proliferation, the common council finds that the health, safety and welfare of the residents of the city of Sterling should be protected by legislation limiting the geographic proliferation of convenient cash businesses.

It is therefore the intent of this Section to regulate the locations and hours of operation of convenient cash businesses in the city of Sterling.

A. Location and Operation of Convenient Cash Businesses.

- (1) Convenient cash businesses shall not be located within two thousand five hundred (2,500) feet of any other convenient cash business.
- (2) Convenient cash businesses shall not be located within two hundred fifty feet from a residential district as measured by the shortest line between the parcel to be occupied by the proposed convenient cash facility and the property line of the nearest residential property.
- (3) Hours of Operation. Convenient cash businesses shall not operate between the hours of nine p.m. and nine a.m.
- (4) Business shall keep a glass entrance and exit doors with all windows clear of any signs or advertisements.
- (5) The building or portion thereof that is dedicated to the check cashing use shall have a minimum size of one thousand five hundred (1,500) square feet of building floor area.
- (6) All convenient cash businesses shall operate one outdoor surveillance camera and wireless subscription module.

B. Security Plan. Applicant must provide a security plan to the City of Sterling Police Department that addresses the following:

- (1) Limits on amount of cash immediately available for withdrawal;
- (2) Lighting plan for the business showing both exterior and interior lighting;
- (3) Plans for maintaining visibility into the interior of the check cashing facility;
- (4) Plans for security of the check cashing area of the facility;
- (5) A program for graffiti and litter abatement;
- (6) Hours of operation; and

- (7) Use of security guards and cameras plan.

C. ~~Parking and Storage Regulations~~

Commented [DW7]: Coordinate with Amanda to determine appropriate regulations for review by Plan Commission.

Sec. 102-438: Power Generation Facilities

Power generation facilities shall meet the following requirements:

- (1) Direct access to arterial streets required. All power generation facilities shall have direct access to an arterial street which is a federal, state, or county designated highway.
- (2) Minimum required setbacks. Front, rear, and side yards shall be a minimum of fifty (50) feet from all lot and right-of-way lines.
- (3) All applicable local, state, and federal environmental standards to be met. Proof of the ability to meet all applicable local, state, and federal environmental standards shall be provided.

Sec. 102-439: Utilities

All Local Utility uses shall be permitted in all zoning districts without limitation as to minimum lot area, yard, or other Bulk requirements, provided that the installation thereof shall comply with the requirements of the applicable administrative authorities. Community/Regional Utility uses shall be permitted only in accordance with the provisions of the zoning district in which they are located.

Sec. 102-440: Tattooing and Body-Piercing

- A. Purpose. The purpose is to provide for a more efficient enforcement method of those state statutes adopted by reference and also to impose stricter controls on tattooists and tattoo establishments and body piercers and body-piercing establishments than those imposed by ~~state statutes 410 ILCS 54 is the Tattoo and Body Piercing Establishment Registration Act and the Illinois Administrative Code: Title 77 Public Health, Chapter I: Department of Public Health, Subchapter m: Food Drugs and Cosmetics, Part 797 Body Art Code.~~
- B. Operation and Licensing. It shall be a violation for any person to:
- (1) No person may tattoo or pierce another person, designate or represent himself or herself as a tattooist or piercer, or use or assume the title "tattooist" unless the person ~~is licensed~~ **complies with by the Illinois Department of Professional Regulation Section 797.1300: Body Artist Proficiency Requirements established by the Illinois Administrative Code: Title 77 Public Health, Chapter I: Department of Public Health, Subchapter m: Food Drugs and Cosmetics, Part 797 Body Art Code.**
 - (2) Operate a tattooing establishment or a body-piercing establishment or a combined tattooing and body-piercing establishment unless ~~a special-use permit and zoning permit~~ **Special Use as outlined in Section 102-919 as specified in the Matrix of Land Uses in Section 102-317 is first obtained from the City.**
 - (3) Operate a tattooing establishment or a body-piercing establishment or a combined tattooing and body-piercing establishment unless all practitioners working in the establishment hold current licenses ~~registration issued by the Illinois Department of Professional Regulation Section 797.1200: Establishment Certificate of Registration Requirements established by the Illinois Administrative Code: Title 77 Public Health, Chapter I: Department of Public Health, Subchapter m: Food Drugs and Cosmetics, Part 797 Body Art Code.~~
- C. Regulation of Tattooing and Body-Piercing. It shall be a violation for any practitioner to:
- (1) Tattoo or body-pierce a patron without first obtaining a signed, informed consent of the person on a form approved by the State of Illinois.

- (2) Tattoo or body-pierce a patron who is minor, except as authorized by 720 ILCS 5/12. This subsection shall not be construed to prohibit ear piercing of a person under age 16 provided that an informed consent has first been signed by the patron's parent or legal guardian.
- (3) Fail to disclose to a patron that the practitioner intends to use a previously used needle or other body-piercing instrument.
- (4) Tattoo or body-pierce any patron who appears to be under the influence of alcohol or drugs.
- (5) Tattoo or body-pierce any patron who has evident skin lesions or skin infections in the area of the procedure.

Sec. 102-441: Craft Breweries

As enabled under 235 ILCS 5, craft breweries shall meet the following requirements:

- A. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.
- B. Permitted Districts. Breweries shall be permitted as outlined in Section 102-317: Matrix of Land Uses.
- C. Licensing. A craft brewery shall be licensed as outlined in 235 ILCS 5/5-1 and Chapter 6: Alcoholic Beverages of the Municipal Code.
- D. Hours of operation.
 - (1) Manufacture of Fermented Beverage and Operation of Craft Brewery. The City shall not impose limitations on the hours of operation for the manufacture of fermented beverage and operation of the craft brewery.
 - (2) Retail Sales. All premises licensed for liquor sales shall comply with the regulations outlined in Chapter 6: Alcoholic Beverages of the Municipal Code.
- E. Parking. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Regulations.
- F. Restaurants in Craft Breweries. The following criteria will apply to any restaurant use located in a craft brewery:
 - (1) The restaurant shall be limited to a maximum size of thirty percent of the total floor area of the facility, excluding any outdoor seating or accessory sales areas.
 - (2) Additional parking for the restaurant may be required as outlined in Section 102-227: Off-Street Parking Regulations.
- G. Other requirements. Any other requirements and/or conditions deemed appropriate by the Plan Commission and/or City Council not in conflict with the provisions of 235 ILCS 5, may be imposed.

Sec. 102-442: Beer Garden

Beer gardens shall be subject to the following guidelines:

- A. Licensing. Appropriate City licensing of operations shall be required as outlined in Chapter 6: Alcoholic Beverages of the Municipal Code.
- B. Closing Hours. All premises licensed for liquor sales shall comply with the regulations outlined in Chapter 6: Alcoholic Beverages of the Municipal Code.
- C. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.
- D. Location of service area. The outdoor service area shall not be located within any public right-of-way or within any required landscape area, buffer yard, or front, side, or rear yard setback on the same

parcel as the restaurant, tavern, or brewery, not withstanding, however, outdoor service area conditions which may be placed on the licensed premises by the licensing agency.

E. Parking. Parking shall be provided in accordance with Section 102-227: Off-Street Parking Standards.

Sec. 102-443: Free-Standing Kiosks/ ATM Structures/Vending Machines/Outdoor Sales Appurtenances

Commented [DW8]: Include clothing drop facilities, and similar.

- A. Intent. Ensure that free-standing kiosk structures, ATM structures, vending machines, and other outdoor sales appurtenances are compatible with the appearance and function of the overall commercial development.
- B. Classification. All free-standing kiosk structures, ATM structures, vending machines, and other outdoor sales appurtenances shall be considered uses accessory to the principal uses on the property.
- C. Building, Site, and Operation Plan Required. A BSO Plan submittal and approval shall be required in accordance with Section 102-924 of this Chapter.
- D. Design Guidelines and Standards
- (1) General Guideline. All kiosk-type buildings and structures shall be integrated with the overall commercial or center development, and shall be subject to the same guidelines as all other buildings with the development.
 - (2) Location. Free-standing kiosks and drive-up ATM structures shall not be located along the primary access street frontage.
 - (3) Access. Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.
 - (4) Structure Design. Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in Article V: Design Guidelines.